

## Residents, business owners say law would help image

by Erin Uy  
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If the county is going to invest millions of dollars into its central business districts, Wheaton area residents, businesses and county officials said they would like to prevent people from urinating all over those redeveloped downtown areas.

Public urination and defecation, as of now legal in most of the county, is a problem in the county's urban areas like Wheaton, Bethesda, Silver Spring and the Long Branch business district, said residents and business owners who asked the Montgomery County Council to pass legislation that would ban the acts.

Filippo Leo, the owner of Marchone's Inc. Italian Specialties restaurant on Triangle Lane, told the council Tuesday the feces he sometimes finds outside or the view through his window of someone urinating take away from the fresh paint and new awnings that he has added to improve the appearance of his shop.

The problem hampers redevelopment efforts in areas like Wheaton that are trying to shed an image of being unsafe, said Natalie Cantor, director of county government's Mid-County Regional Services Center. Passage of the bill would lead Wheaton "to be the clean and safe town that we want it to be," Cantor said during public testimony.

County officials submitted legislation in May against public urination and defecation prompted by a

report about downtown Wheaton. The issue received attention in March when County Executive Douglas M. Duncan (D) released a study that examined various elements contributing to Wheaton's image of being unsafe.

The study noted that while public urination and defecation are not illegal, such behavior, along with nuisance crimes like trespassing and disorderly conduct, erodes Wheaton's image.

The bill proposes that anyone caught violating the law would be cited for a misdemeanor, punishable by a fine, incarceration or both. Police may charge violators for a civil offense, given the circumstances, and may also ban people who cause a constant problem.

That means answering to nature's call would be forbidden in any public place, a place open to the public, or any other place where the person may be seen from a public place, like elevators, private parking lots, places of worship and school grounds.

But the county should do more than just pass a law, said T.K. Well, a member of the Mid-County Citizens Advisory Board. Public restrooms, which are available in cities like Los Angeles and Pittsburgh, should be placed in Montgomery County's business districts, she said.

She said the act should be regarded as a civil penalty with a \$100 fine for first-time offenders and \$250 for repeat offenders. Also, special consideration should be given to children age 7 and younger, those with physical disabilities and people with mental challenges.

County Councilman George L. Leventhal (D-At Large) of Takoma Park also expressed some concern about how the law would apply to children who have a harder time choosing an appropriate time to use

the restroom.

The law would help police, said Lt. Willie Parker-Loan of the Montgomery County Police, noting that public urination and defecation is a serious quality of life issue. Police have expressed concern about the stench of urine in stairwells, garages and walkways in the business districts of Bethesda, Silver Spring and the Pincy Branch corridor. The proposed law would support police efforts to improve such areas. Parker-Loan said.

People charged for public urination or defecation do not fall under the same category as indecent exposure or disorderly conduct because those acts must be done in a lewd or indecent manner, or for the purpose of sexual gratification, according to Gayle Driver, an assistant state's attorney for Montgomery County.

Such a law is not unheard of in Montgomery County. Gaithersburg, a municipality, has its own rules against the act, and the county parks system has banned it for at least 20 years. First-time offenders at county parks face a \$50 fine and \$100 the second time.

Other Washington, D.C.,-area jurisdictions such as Gaithersburg, Frederick City, Prince George's County and Alexandria and Arlington in Virginia have laws prohibiting public urination and defecation.

If passed, the law would apply to the following municipalities: Barnesville, Brookeville, City of Takoma Park, Chevy Chase Village, Town of Chevy Chase, Chevy Chase View, Chevy Chase Sec. 3, Chevy Chase Sec. 5, Village of North Chevy Chase and Glen Echo, and Village of Martin's Additions.

The county council's public safety committee will review the legislation July 25 and submit a recommendation to the council.